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Docket No.: 11657-00004-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Douglas L. Elmore et al.

Confirmation No.: 2926

Application No.: 10/708,927

Filed: April 1, 2004

Art Unit: 2878

For: SIMULTANEOUS MULTI-BEAM PLANAR  
ARRAY IR (PAIR) SPECTROSCOPY

Examiner: C. Hannaher

**INFORMATION DISCLOSURE STATEMENT (IDS)**

**MS Amendment**

**November 17, 2004**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify that items "AA" and "BA" of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Accordingly, no fee is believed to be due.

Items AA and BA were cited by a foreign patent office in a related application as representing background art showing the general state of technology ("A" reference).

Items "CA" and "CB" are being (re)submitted in a good-faith attempt to meet the Duty of Disclosure carrying over from the previous IDS submitted on April 1, 2004. Item CA had incorrect identification as to the publisher, and item CB was listed, but was inadvertently not provided in the IDS submission. These deficiencies have been corrected in this submission.

A copy of each non-U.S. Patent reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 11657-00004-US.

Respectfully submitted,

By

  
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| <b>Substitute for form 1449A/B/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                        |
|  |   |    |   | Application Number       | 10/708,927-Conf. #2926 |
|  |   |    |   | Filing Date              | April 1, 2004          |
|  |   |    |   | First Named Inventor     | Douglas L. Elmore      |
|  |   |    |   | Art Unit                 | 2878                   |
|  |   |    |   | Examiner Name            | C. Hannaher            |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 11657-00004-US         |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |   |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | AA                       | US-5,002,392                             | 03-26-1991                     | C. HERMAS SWOPE                                    |   |

| FOREIGN PATENT DOCUMENTS |                          |                           |  |                                   |  |   |                |
|--------------------------|--------------------------|---------------------------|--|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |  | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> | Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
|                          | BA                       | WO-01/69211-A             |  | 09-20-2001                        | Spectrumedix Corp.                                 |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials*           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | CA                       | Baszkin, Adam; Norde, Willem; eds., "Physical Chemistry of Biological Interfaces", Marcel Dekker, Inc., New York, 2000, pp.716-747.   |                |
|                                 | CB                       | D.L. Elmore, Mei-Wei Tsao, S. Frisk, D.B. Chase, J.F. Rabolt, Design and Performance of a Planar Array Infrared Spectrograph that Operates in the 3400 to 2000 cm <sup>-1</sup> Region, Applied Spectroscopy, Vol. 56, No. 2, 2002.                             |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|